

Docket No.: 0365-0609PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Before the Board of Appeals		
Kari PULKKINEN et al.			
Application No.:	10/512,048	Confirmation No.:	8405
Filed:	October 21, 2004	Art Unit:	3691
For:	METHOD FOR CONTROLLING SUBSCRIBER ACCOUNTS IN CONNECTION WITH A PRE-PAID IN PLATFORM, AND A PRE-PAID MEDIATOR		
	Examiner:	Hani M. KAZIMI	

APPEAL BRIEF

MS APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is in furtherance of the Notice of Panel Decision from Pre-Appeal Brief Review issued on November 11, 2010 and the Notice of Appeal filed in this case on September 20, 2010.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

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APPEAL BRIEF ON BEHALF OF APPELLANT

MS APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REAL PARTY IN INTEREST

The real party in interest for this application is the Assignee:

COMPTEL CORPORATION.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 6 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 1-16 and 22.
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 17-21 and 23
4. Claims allowed: None
5. Claims rejected: 17-21 and 23

C. Claims on Appeal

The claims on appeal are claims 17-21 and 23.

IV. STATUS OF AMENDMENTS

An amendment after final rejection, canceling claim 22 and amending independent claims 17 and 23 to include the subject matter of canceled claim 22 was submitted on August 10, 2010. According to the Advisory Action issued September 17, 2010, the amendment was entered for purposes of Appeal.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Intelligent Network (IN)-based Pre-Paid services were originally made for billing switched-circuit calls, making it difficult to adapt new services to them. On the other hand, particularly in mobile telephone traffic, Pre-Paid services are widely used in some countries. Particularly in countries in Southern Europe, where the use of the Pre-Paid payment system is extremely widespread. Because this form of operation is so dominant, operators are unwilling to make substantial changes to the basic structure of the system, i.e., the Pre-Paid service platform. Therefore for other services to be connected to this existing system for billing, they must simulate normal switched-circuit voice calls.

The present invention arranges applications/services, such as SMS, MMS and GPRS, to communicate with a proxy and the Pre-Paid platform correspondingly with a billing module, so that the proxy and the billing module communicate with each other in a logically predefined manner, in which case the proxy (4) is used to collect and control the rate and other similar data of the services used by the customer, and the billing module (5) is used to bill the customer's

Pre-Paid account, which is located on the Pre-Paid platform (8), or in a system behind it. As a result, the present invention creates a modular system in connection with a Pre-Paid platform, to which a number of advanced applications can be easily connected. The system has comprehensive billing models and also permits the comprehensive connection of service providers to the Pre-Paid platform.

Independent claim 17 is directed to a method for managing customer accounts in connection with a Pre-Paid platform, comprising:

receiving, at a proxy (4), a request for service from a subscriber (Specification p. 5, ll. 26-32);

determining, at the proxy (4), a service code associated with the requested service (Specification p. 5, ll. 27-32 and Fig. 1);

sending charge data, including the service code, to a charging module (5) (Specification p. 5, ll. 26-32 and Fig. 1);

converting, in the charging module, the received charge data and service code into a predefined format accepted by the Pre-Paid platform (8) (Specification p. 6, ll. 12-16 and Fig. 1);

sending the converted charge data to the Pre-Paid platform (8) (Specification p. 6, ll. 14-16 and Fig. 1);

receiving an indication from the Pre-Paid platform (8) as to whether the subscriber has an adequate balance to cover the requested service (Specification p. 6, l. 32 to p. 7, l. 4 and Fig. 1); and

controlling, by the proxy, whether or not the requested service is provided based on the received indication, the converted charge data including at least a B-number and a time definition (Specification, p. 6, ll. 12-15, p. 7, ll. 1-11 and Fig. 1).

The summary to the claimed invention herein is being made to comply with the Patent Office rules in submitting Briefs and is not to be considered as limiting the claimed invention.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Final Office Action provides one (1) ground of rejection for review on appeal.

- 1) Claims 17-21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0156732 to Odijk

et al. ("Odijk") in view of U.S. Patent Application Publication No. 2002/0029189 to Titus ("Titus"), further in view of U.S. Patent No. 6,760,417 to Wallenius ("Wallenius").

VII. ARGUMENTS

A. Claims 17-21 and 23 are patentable over the combination of Odijk, Titus, and Wallenius for at least the fact that the combination fails to disclose each and every claimed element.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 17-21 and 23 are patentable over the combination of Odijk, Titus, and Wallenius for at least the fact that the combination fails to disclose each and every claimed element as discussed below.

Independent claim 17

Claim 17 defines a method of managing customer accounts in connection with a Pre-Paid platform. The method includes, *inter alia*, receiving, at a proxy, a request for service from a subscriber; determining, at the proxy, a service code associated with the requested service; sending charge data, including the service code, to a charging module; converting, in the charging module, the received charge data and service code into a predefined format accepted by the Pre-Paid platform; sending the converted charge data to the Pre-Paid platform, the converted charge data including at least a B-number and a time definition; receiving an indication from the Pre-Paid platform as to whether the subscriber has an adequate balance to cover the requested service; and controlling, by the proxy, whether or not the requested service is provided based on the received indication.

In the final Office action ("Action"), the Examiner relies on Wallenius for teaching the claimed step of "converting, in the charging module, the received charge data and service code into a predefined format accepted by the pre-paid platform" (Final Action, p. 4). However, nowhere in Wallenius is there any disclosure or suggestion of the converted charge data

including a B-number and a time definition as claimed. To the contrary, Wallenius specifically discloses that the converted charge data is “expressed as an amount of money spent or as charging pulses.” See column 2, lines 18-20 of Wallenius.

Although Wallenius discloses a method and system for charging a subscriber in a telecommunications network which includes converting event data or charging data received from a node, by applying network charging algorithms, to provide a real-time, charging data format understandable to the subscriber’s billing unit, nowhere in Wallenius is there any disclosure or suggestion of the converted charge data including a B-number and a time definition as claimed. To the contrary, Wallenius specifically discloses that the converted charge data is “expressed as an amount of money spent or as charging pulses.” See column 2, lines 18-20 of Wallenius. Accordingly, the converted charge data of Wallenius does not inherently include a B-number and a time definition.

Furthermore, even if, *arguendo*, it is known that charge data can include a B-number and time definition (as suggested by the Examiner in the Advisory Action mailed September 17, 2010), Appellants note that the claimed method recites “converting, in the charging module, the received charge data and service code into a predefined format...the converted charge data including a B-number and a time definition”. Therefore, the mere fact that it is known in the telecommunications arts to use, *inter alia*, a B-number and time duration as charging data is not equivalent to converting received charge data in the predefined format as claimed.

To the contrary, if one skilled in the art were to apply known billing methods to the system of Wallenius and/or the combination of Odijk, Titus, and Wallenius, it would not result in the claimed method, but rather a system wherein the conventional billing/charge data (i.e., based on time duration) is converted into charge data expressed as an amount of money spent or as charging pulses (as discloses by Wallenius). Nowhere in the Odijk, Titus, or Wallenius is there any disclosure or suggestion of: receiving charge data, including a service code in a charging module; converting, in the charging module, the received charge data and service code into a predefined format accepted by a Pre-Paid platform; and sending the converted data, including a B-number and a time duration, to the Pre-paid platform for confirmation of a existing balance as claimed.

Since Odijk, Titus, and Wallenius each fail to disclose or suggest a method for managing customer accounts in connection with a Pre-Paid platform (see discussion above) as claimed, the

combination of these three references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art had some rationale to combine Odijk, Titus, and Wallenius (which Appellants do not concede), the combination would still fail to render claims 17 unpatentable because the combination fails to disclose each and every claimed element.

Claims 18-21 depend from claim 17. Likewise, claim 23 defines a recording medium which includes the same patentably distinct features as claim 17. Therefore, claims 18-21 and 23 are patentable over the combination of Odijk, Titus, and Wallenius for at least those reasons presented above with respect to claim 17.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

IX. EVIDENCE

There is no additional evidence pursuant to §§ 1.130, 1.131, or 1.132 and/or evidence entered by or relied upon by the examiner that is relevant to this appeal as noted in Appendix B.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, and thus, copies of decisions in related proceedings are not provided.

XI. CONCLUSION

The withdrawal of the outstanding rejections and the allowance of claims 17-21 and 23 are earnestly solicited.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: January 10, 2011

Respectfully submitted,

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APPENDIX A

Claims Involved in the Appeal of Application No. 10/512,046

17. A method for managing customer accounts in connection with a Pre-Paid platform, the method comprising:

receiving, at a proxy, a request for service from a subscriber;

determining, at the proxy, a service code associated with the requested service;

sending charge data, including the service code, to a charging module;

converting, in the charging module, the received charge data and service code into a predefined format accepted by the Pre-Paid platform;

sending the converted charge data to the Pre-Paid platform;

receiving an indication from the Pre-Paid platform as to whether the subscriber has an adequate balance to cover the requested service; and

controlling, by the proxy, whether or not the requested service is provided based on the received indication, the converted charge data including at least a B-number and a time definition.

18. The method of claim 17, wherein the converted charge data is based on a predefined charging model associated with the service code.

19. The method of claim 17, wherein the charge data includes data relating the amount of the service used.

20. The method of claim 17, wherein the converted charge data is sent to the Pre-Paid platform using an INAP protocol.

21. The method of claim 17, wherein the converted charge data is sent to the Pre-paid platform using a CAP protocol.

23. A computer readable medium having stored thereon instructions which cause one or more processors to perform the steps of:

receiving, at a proxy, a request for service from a subscriber;

determining, at the proxy, a service code associated with the requested service;

sending charge data, including the service code, to a charging module;

converting, in the charging module, the received charge data and service code into a predefined format accepted by the Pre-Paid platform;

sending the converted charge data to the Pre-Paid platform, the converted charge data including at least a B-number and a time definition;

receiving an indication from the Pre-Paid platform as to whether the subscriber has an adequate balance to cover the requested service; and

controlling, by the proxy, whether or not the requested service is provided based on the received indication.

APPENDIX B

There is no additional evidence pursuant to §§ 1.130, 1.131, or 1.132 and/or evidence entered by or relied upon by the examiner that is relevant to this appeal.

APPENDIX C

There are no related proceedings.